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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/090,647      | 03/04/2002  | James E. McGwin JR.  | 2691-001            | 6097             |

7590 02/27/2007  
James E. McGwin, Jr., President  
Collobration Catalyst Corporation  
412 Chimney Rock  
North Kingstown, RI 02852

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| EXAMINER |
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OUELLETTE, JONATHAN P

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3629

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 02/27/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/090,647

Applicant(s)

MCGWIN, JAMES E.

Examiner

Jonathan Ouellette

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Request for Continued Examination*

1. The Request filed on 12/1/06 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/090,647 is acceptable and a RCE has been established. An action on the RCE follows.

### *Claim Rejections - 35 USC § 112*

2. The rejection of Claims 1 and 2 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, is withdrawn due to Applicant's arguments.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. **Claims 1 and 2** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Arunapuram et al. (US 2002/0019759 A1)**.
5. As per **independent Claim 1**, Arunapuram discloses a method for using process exceptions to provide instant notifications for distributed processes (Fig.4; Para 0046-

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0048, status messages, alarms), comprising: monitoring stimulus from at least one information source at a critical point in a process (Fig.4; Para 0046-0048, status interface receives status messages) processing said stimulus to detect at least one process exception (Para 0048, status interface generates alarms based on expected early or late arrival messages), communicating said at least one exception to at least one messaging controller over a first communication mechanism (Fig.4, Para 0046-0048, Shipment Status Interface electronically communicates with Customer Status Interface as part of the execution module), wherein said information source is not connected to the first communication mechanism (Fig.4, Crossdocks, Warehouses, Distributor, and Carriers are information sources connected to Shipment Status Interface, not to the Customer Status Interface), processing said at least one exception at said messaging controller to determine at least one recipient to receive a notification and any associated contextual information (Para 0048, system determines transportation manager, sales office or customer related to shipment, before sending message/alert), and communicating said notification and any associated contextual information to said at least one recipient (Para 0048, message/alert sent).

6. Arunapuram fails to expressly disclose wherein if a first communication to the messaging controller is not acknowledged, communicating said at least one exception to at least one messaging controller over at least one alternative communication mechanism.
7. However, Arunapuram discloses a Shipment Status Interface, which electronically communicates status/alert information with the Customer Status Interface as part of the Execution Module (Fig.4, Para 0046-0048). Furthermore, Arunapuram discloses

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the ability of the system to communicate internally and externally using several forms of communication, such as EDI, email, web, facsimile, or phone (Para 0044-0046).

8. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used all available communication methods as back-ups or alternatives if one of the methods was not functioning correctly (network down, power outage, computer down), in order to efficiently and effectively ensure delivery of an important status/alert message to the customer.
9. As per **independent Claim 2**, Arunapuram discloses an apparatus for using process exceptions to provide instant notifications for distributed processes (Fig.4; Para 0046-0048, status messages, alarms), comprising: process exception detection means connected to a first communication mechanism (Fig.4; Para 0046-0048, Shipment Status Interface part of the execution module); and a messaging controller connected to the first communication mechanism (Fig.4, Para 0046-0048, Customer Status Interface part of the execution module), wherein said process exception detection means comprises: means to monitor stimulus from an information source (Fig.4; Para 0046-0048, status interface receives status messages) not connected to the first communication mechanism or the at least one alternate communication mechanism (Fig.4, Crossdocks, Warehouses, Distributor, and Carriers are information sources connected to Shipment Status Interface, not to the Customer Status Interface), a rules engine to determine at least one process exception based on said stimulus (Para 0048, status interface generates alarms based on expected early or late arrival messages), and means to communicate said exception to said messaging controller over the first communication mechanism (Fig.4, Para 0046-0048, Shipment Status Interface

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electronically communicates with Customer Status Interface as part of the execution module), and wherein said messaging controller comprises: interface means to receive said at least one exception, a rules engine to determine at least on notification for at least one recipient and to determine any associated contextual information based on said at least one exception (Para 0048, system determines transportation manager, sales office or customer related to shipment, before sending message/alert), and interface means to communicate said at least one notification and any associated contextual information to a recipient application (Para 0048, message/alert sent).

10. Arunapuram fails to expressly disclose alternative communication mechanisms for communicating between the process exception detection means and the messaging controller; and wherein if a first communication to the messaging controller is not acknowledged, communicating said exception to said messaging controller over at least one alternative communication mechanism.
11. However, Arunapuram discloses a Shipment Status Interface, which electronically communicates status/alert information with the Customer Status Interface as part of the Execution Module (Fig.4, Para 0046-0048). Furthermore, Arunapuram discloses the ability of the system to communicate internally and externally using several forms of communication (alternative communication mechanisms), such as EDI, email, web, facsimile, or phone (Para 0044-0046).
12. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used all available communication methods as back-ups or alternatives if one of the methods was not functioning correctly (network

down, power outage, computer down), in order to efficiently and effectively ensure delivery of an important status/alert message to the customer.

***Response to Arguments***

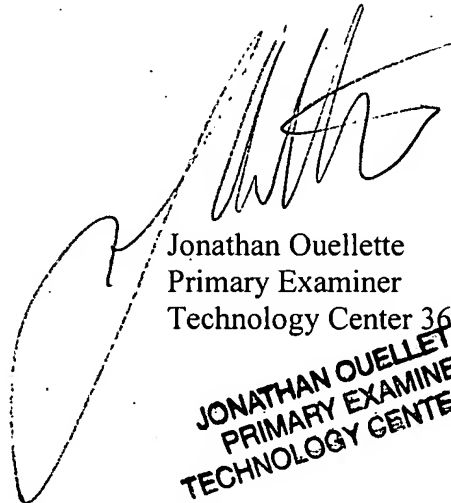
13. Applicant's arguments filed 12/1/2006, with respect to Claims 1 and 2, have been considered but are not persuasive. The rejection will remain as **NON-FINAL**, based on the cited prior art.
14. The Applicant has made the argument that the cited prior art fails to teach or disclose the need for a secondary communication mechanism.
15. However, as explained in the rejection above, Arunapuram discloses a Shipment Status Interface, which electronically communicates status/alert information with the Customer Status Interface as part of the Execution Module (Fig.4, Para 0046-0048). Furthermore, Arunapuram discloses the ability of the system to communicate internally and externally using several forms of communication, such as EDI, email, web, facsimile, or phone (Para 0044-0046).
16. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have *used all available communication methods as back-ups or alternatives if one of the methods was not functioning correctly (network down, power outage, computer down), in order to efficiently and effectively ensure delivery of an important status/alert message to the customer (motivational need for secondary communication).*

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*Conclusion*

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

February 10, 2007



Jonathan Ouellette  
Primary Examiner  
Technology Center 3600  
**JONATHAN OUELLETTE**  
**PRIMARY EXAMINER**  
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